

**United States Bankruptcy Court
District of Massachusetts
Eastern Division**

In Re:)	
)	
Debra Jean Silva,)	Chapter 7
Debtor)	Case No. 09-19222-WCH
<hr/>		
Sovereign Bank,)	
Plaintiff)	
)	
v.)	
)	
Robert B. Our Co., Inc., Rockland)	
Trust Company, Edward E. Veara,)	
Hallsmith-Sysco Food Services,)	
LLC, Royal Bank America)	Adversary Proceedings
Leasing, John F. Noons, Inc., The)	Case No. 10-01205
Commonwealth of)	
Massachusetts, Nickerson)	
Lumber Company, Cape Tip)	
Seafood, Inc., Timepayment)	
Corp. 85-87 Shankpainter Road,)	
LLC, Clement A. Silva, individually)	
and as Trustee of the ClemDeb Realty)	
Trust, Debra J. Silva, as Trustee of)	
the ClemDeb Realty Trust, and)	
Stephen E. Shamban, as Chapter 7)	
Trustee,)	
Defendants)	

**Robert B. Our Co., Inc.'s Motion to Allow Late Filing of Answer to
Cross-Claim**

Defendant Robert B. Our Co., Inc. respectfully requests that the Court allow it to
file a late answer to Stephen E. Shamban, Chapter 7 Trustee's cross-claim.

Although the cross-claim was served on October 4, 2010, due to the inadvertence of

William F. Robinson

counsel, the defendant did not timely respond. As set forth in the attached, proposed answer, the defendant has several meritorious defenses to the cross-claim.

(Proposed Answer, Exhibit A at 4–5.) It would be inequitable if the defendant were prevented from responding to the cross-claim.

Respectfully submitted,
Robert B. Our Co., Inc.
By its attorneys,

/s/ Brian Widegren
Brian Widegren, BBO# 527150
72 Route 28, Suite 6
West Harwich, MA 02671
(508) 432-2600
brianwidegren@gmail.com

/s/ Frank J. Shealey
Frank J. Shealey, BBO# 456440
The Law Offices of Frank J. Shealey
P.O. Box 666 – 37 Stage Harbor Road
Chatham, MA 02633
(508) 945-9500
shealeylaw@verizon.net

Dated: October 29, 2010

Certificate of Service

I hereby certify that that I have this date caused a copy of the following documents to be electronically transmitted to the following persons:

Document: Defendant Robert B. Our Co., Inc.'s
Motion to Allow Late Filing of
Answer to Cross-Claim

Persons Served: Jessica Murphy, Esq.
Mirick, O'Connell, DeMallie & Lougee, LLP
jmurphy@mirickoconnell.com

Michael A. Wirz, Esq.
Jack Mikels & Associates, LLP
jmikels@gis.net

David T. Mazzuchelli, Esq.
Counsel to the Commissioner
Massachusetts Department of Revenue
mazzucheld@dor.state.ma.us

Jenny L. Redden, Esq.

Dated: October 29, 2010

/s/ Brian Widegren

Brian Widegren, BBO# 527150
72 Route 28, Suite 6
West Harwich, MA 02671
(508) 432-2600

Certificate of Service

I, Frank J. Shealey, certify that I have this 29th day of October, 2010, served a copy of Defendant Robert B. Our Co., Inc.'s Motion to Allow Late Filing of Answer to Cross-Claim on the parties or persons listed below, by mail, postage pre-paid, as indicated below.

/s/ Frank J. Shealey

Frank J. Shealey, BBO# 456440
The Law Offices of Frank J. Shealey
P.O. Box 666 – 37 Stage Harbor Road
Chatham, MA 02633
(508) 945-9500

Stephen E. Shamban, Esq.
Jenny L. Redden, Esq.
P.O. Box 850973
222 Forbes Road, Suite 208
Braintree, MA 02185

Debra J. Silva
P.O. Box 402
N. Truro, MA 02652

Clement A. Silva
P.O. Box 402
N. Truro, MA 02652

85-87 Shankpainter Road, LLC
85 Shank Painter Road
Provincetown, MA 02657-1344

Cape Tip Seafood, Inc.
45A Court Street
Provincetown, MA 02657

John F. Noons, Inc.
6 Noons Heights Road
N. Truro, MA 02652

Nickerson Lumber Company
P.O. Box 1418
465 Route 134
S. Dennis, MA 02660-1418

Royal Bank America Leasing
550 Township Line Road, #425
Blue Bell, PA 19422

Timepayment Corp.
10M Commerce Way
Woburn, MA 01801

Edward E. Veara
828 Main Street
Dennis, MA 02638-1904

Certificate of Service Page 5 of 5

CERTIFICATE OF NOTICE

District/off: 0101-1
Case: 10-01205

User: elombard
Form ID: pdf012

Page 1 of 1
Total Noticed: 13

Date Rcvd: Nov 17, 2010

The following entities were noticed by first class mail on Nov 19, 2010.

aty +Brian D. Widegren, Law Office of Brian D. Widegren, 72 Route 28, Suite 6,
West Harwich, MA 02671-1112
aty +David T. Mazzuchelli, MA Dept. Of Revenue, Litigation Bureau,
100 Cambridge Street, Seventh floor, P.O. Box 9565, Boston, MA 02114-9565
aty +Jenny Redden, Stephen E. Shamban Law Offices, P.C., 222 Forbes Road,, Ste. 208,
P.O. Box 850973, Braintree, MA 02185-0973
aty +Jessica Murphy, Mirick O'Connell DeMallie & Lougee, 100 Front Street,
Worcester, MA 01608-1477
aty +Kendra Mayer, Haynes and Boone, LLP, 2323 Victory Avenue, Dallas, TX 75219-7673
aty +Michael A. Wirtz, Jack Mikels & Associates, LLP, 1 Batterymarch Park, Suite 309,
Quincy, MA 02169-7484
ust +John Fitzgerald, Office of the US Trustee, J.W. McCormack Post Office & Courthouse,
5 Post Office Sq., 10th Fl, Suite 1000, Boston, MA 02109-3934
dft +Clement A. Silva, PO Box 402, N. Truro, MA 02652-0402
dft +Debra J. Silva, PO Box 402, N. Truro, MA 02652-0402
dft +Hallsmith-Sysco Food Services, LLC, C/O Dorothy Hebert, 380 So. Worcester Street,
Norton, MA 02766-3400
dft +Royal Bank America Leasing, 550 Township Line Road, 550 Township Line Road, #425,
Blue Bell, PA 19422-2734
pla +Sovereign Bank, 446 Main Street, Worcester, MA 01608-2359
dft +Stephen Shamban, 222 Forbes Rd., P.O. Box 850973, Braintree, MA 02185-0973

The following entities were noticed by electronic transmission on Nov 18, 2010.

ust +E-mail/Text: ustpregion01.bo.ecf@usdoj.gov John Fitzgerald,
Office of the US Trustee, J.W. McCormack Post Office & Courthouse,
5 Post Office Sq., 10th Fl, Suite 1000, Boston, MA 02109-3934

TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

dft 85-87 Shankpainter Road, LLC
dft Cape Tip Seafood, Inc.
dft Edward E. Veara
dft John F. Noons, Inc.
dft Nickerson Lumber Company
crd Robert B. Our Co., Inc.
dft Robert B. Our Co., Inc.
crd Rockland Trust Company
dft Rockland Trust Company
dft Timepayment Corp.
crc* +Stephen Shamban, 222 Forbes Rd., P.O. Box 850973, Braintree, MA 02185-0973
crc* +Stephen Shamban, 222 Forbes Rd., P.O. Box 850973, Braintree, MA 02185-0973

TOTALS: 10, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 19, 2010

Signature: _____

Joseph Speetjens